

CHAPTER NO. 841

HOUSE BILL NO. 2156

By Representative Newton

Substituted for: Senate Bill No. 2092

By Senator Cohen

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 51, relative to the Tennessee education lottery corporation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-51-115(g)(3), is amended by deleting the word "annually".

SECTION 2. Tennessee Code Annotated, Section 4-51-111(b), is amended by deleting the first sentence of subdivision (2) and by substituting instead the following:

On or before the fifteenth day of the of the first month of each quarter, the corporation shall transfer to the state treasury, for credit to the lottery for education account, an amount representing an estimate of the net lottery proceeds for the immediately preceding quarter. Any additional transfers required to reconcile the amount of the net lottery proceeds transferred on the fifteenth day of the month shall be completed by the last business day of the month following the end of the quarter.

SECTION 3. Tennessee Code Annotated, Section 4-51-115(f)(2)(B), is amended by deleting the language "any felony involving gambling or any misdemeanor involving" and by substituting instead the language "any criminal offense involving".

SECTION 4. Tennessee Code Annotated, Section 4-51-123(c), is amended by deleting subdivision (4)(A) and by substituting instead the following:

(A) A holder of a winning cash ticket or share from any lottery game conducted by a drawing shall claim a cash prize within one hundred eighty (180) days after the drawing in which the cash prize was won or the end of the game as determined by the corporation, whichever is later. If a multistate or multisoovereign lottery game requires, by rule or regulation, a period of time less than one hundred eighty (180) days for redemption of a winning ticket, such period shall apply for that lottery game.

SECTION 5. Tennessee Code Annotated, Title 4, Chapter 51, Part 1, is amended by adding the following as a new, appropriately designated section:

4-51-1___. The Tennessee Education Lottery Corporation shall formulate and implement a plan, in cooperation with the Tennessee bureau of investigation, for the Tennessee lottery's participation in the state's AMBER ALERT program via on-line lottery ticket terminals and all other appropriate media and technology at the corporation's disposal. The Tennessee Education Lottery Corporation shall report its progress in implementing the state's AMBER ALERT network within the framework of the Tennessee lottery to the general assembly no later than February 1, 2005.

SECTION 6. Tennessee Code Annotated, Section 4-51-113(g), is amended by deleting the language "contract may pay" and by substituting instead the language "contract, or an officer, director or employee of such vendor or applicant, or a member of such officer's, director's or employee's immediate family residing in the same household, shall pay".

SECTION 7. Tennessee Code Annotated, Section 4-51-124, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) All records and information in the possession of the corporation are open for inspection by members of the public unless otherwise provided by state law. The following records or information in the possession of the corporation shall be treated as confidential and shall be exempt from the provisions of § 10-7-503:

(1) Trade secrets, as such term is defined in § 47-25-1702;

(2) Security measures, systems, or procedures;

(3) Security reports;

(4) Proposals received pursuant to personal service, professional service, and consultant service contract regulations, and related records, including evaluations and memoranda; provided, that such information shall be available for public inspection after the completion of evaluation of such proposals by the corporation. Sealed bids for the purchase of goods and services, and leases of real property, and individual purchase records, including evaluations and memoranda relating to such bids; provided, that such information shall be available for public inspection after the completion of evaluation of such bids by the corporation. Internal audit reviews of the corporation including any documentation and memoranda relating to such audits; provided, that such information shall be available for public inspection after finalization of such audits by the corporation;

(5)

(A) The following records or information of an employee of the corporation in the possession of the corporation in its capacity as an employer shall be treated as confidential and shall not be open for inspection by members of the public: unpublished telephone numbers; bank account information; social security number; driver license information except where driving or operating a vehicle is part of the employee's job description or job duties or incidental to the performance of the employee's job; and the same information of immediate family members or household members;

(B) Information made confidential by this subdivision shall be redacted wherever possible and nothing in this subdivision shall be used to limit or deny access to otherwise public information because a file, a document, or data file contains confidential information;

(C) Nothing in this subdivision shall be construed to limit access to these records by law enforcement agencies, courts, or other governmental agencies performing official functions;

(D) Nothing in this subdivision shall be construed to close any personnel records of an employee of the corporation which are currently open under state law;

(E) Nothing in this subdivision shall be construed to limit access to information made confidential under this subdivision, when the employee expressly authorizes the release of such information;

(6) Information obtained pursuant to investigations which is otherwise confidential;

(7) Identifying information obtained from prize winners, including, but not limited to, home and work addresses, telephone numbers, social security numbers, and any other information that could reasonably be used to locate the whereabouts of an individual; provided, that:

(A) The corporation shall disclose any relevant information to a claimant agency pursuant to part 2 of this chapter necessary to establish or enforce a claim against a debtor as defined in part 2 of this chapter;

(B) The corporation may disclose a lottery prize winner's name, home state, hometown, and, if authorized by the prize winner, any other information for marketing, advertising, or promotional purposes; and

(C) The corporation shall disclose any information not subject to the provisions of subdivisions (1)-(4) or (6), that is otherwise necessary to assist any federal, state, or local entity in the performance of its statutory or regulatory duties;

(8) Medical records or medical information of an employee of the corporation, and medical records or information of family members of an employee of the corporation, in possession of the corporation shall be treated as confidential and shall not be open for inspection by members of the public;

(9) All information relative to the hiring or retention of the chief executive officer or president

(10) All information relative to prospective lottery games and security and other sensitive information relative to current lottery games; and

(11) Any information concerning lottery sales made by lottery retailers unless otherwise provided by law.

Meetings of the corporation shall be open to the public pursuant to title 8, chapter 44, part 1; provided, that portions of meetings devoted to discussing information deemed confidential pursuant to this section or deemed confidential pursuant to

the provisions of title 10, chapter 7, part 5 are exempt from the provisions of title 8, chapter 44, part 1.

SECTION 8. Sections 1, 2, 5, 6 and 7 of this act shall take effect upon becoming a law, the public welfare requiring it. Section 3 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall only apply to lottery retailer applications submitted, and lottery retailer contracts entered into, on and after such date. Section 4 of this act shall take effect July 1, 2004, the public welfare requiring it, and shall only apply to tickets or shares sold on and after such date.

PASSED: May 21, 2004



JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 8th day of June 2004



PHIL BREDEZEN, GOVERNOR